

REMARKS

The Office Action dated January 2, 2008 has been reviewed and carefully considered. Claims 1-13 are pending, with claims 1 and 12 being the only independent claims. Reconsideration of the above-identified application, in view of the following remarks, is respectfully requested.

Claims 1-13 stand rejected under 35 USC 103(a) as being unpatentable over U.S. Pat. No. 5,956,453 (Hennig) in view of U.S. Pat. No. 5,963,264 (Jackson).

Applicant respectfully disagrees with, and explicitly traverses, the examiner's reason for rejecting the claims. A claimed invention is prima facie obvious when three basic criteria are met. First, there must be some suggestion or motivation, either in the reference themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine the teachings therein. Second, there must be a reasonable expectation of success. And, third, the prior art reference or combined references must teach or suggest all the claim limitations.

With regard to claim 1, this claim recites:

A recording arrangement (1) for the error-tolerant recording of an information signal (FS) of an information broadcast programmed for recording and identified by a broadcast identification (VPS-PI) and a broadcast start time (SBZ-PI), having receiving means (4) for receiving the information signal (FS) in which information broadcasts and associated broadcast identifications (VPS-SI) can be transmitted, and having recording means (6) for recording the received information signal (FS) on a record carrier (8) in a recording mode of the recording arrangement (1), and having

recording control means (11) for evaluating both the broadcast identification (VPS-PI, VPS-SI) of the programmed information broadcast being detected in the information signal (FS) and a recording start time (ABZ) of the programmed information broadcast being reached, which recording start time is reached a lead time interval (VZ) before the broadcast start time (SBZ-PI) of the programmed information broadcast; and for activating the recording mode at the first occurrence of either the broadcast identification or the recording start time.

Thus, claim 1 (and corresponding claim 12) recites that recording commences when the first of the following evaluated events occurs:

- the broadcast identification (VPS-PI, VPS-SI) of the programmed information broadcast being detected
- a recording start time (ABZ) of the programmed information broadcast being reached

In addition, claim 1 (and corresponding claim 12) recites that the recording start time (ABZ) is reached at a lead time interval (VZ) before the broadcast start time (SBZ-PI) of the programmed information broadcast.

Hennig teaches a videocassette recorder which includes VPS and VPT automatic programming which “continuously compares preprogrammed VPS data to incoming VPS time codes for the currently running program, and to VPS program schedule information” (Abstract). Jackson describes a method and apparatus for controlling all models of VCRs via infrared signals by providing the infrared (IR) codes necessary to operate each particular brand and model VCR and for activating a VCR by saturating the local area with high powered, broadcasted IR signals.

Neither Hennig nor Jackson, either singly or in combination, teaches the use of a recording start time defined as a lead time interval before the broadcast start time of the programmed information broadcast. Further, the combination of Hennig and Jackson fails to disclose the limitation of activating the recording mode as a condition of such a determined recorded start time, as recited in claim 1.

The Office Action fails to properly address these features in its rejection of claim 1 based on the combination of Hennig and Jackson. Rather, it simply states “which recording start time is reached a lead time interval before the broadcast start time of the programmed information broadcast” (page 5, lines 4-6). What if any lead time is being referenced is unclear. The Office Action does reference Fig. 4a of Hennig in which a “lag time” appears applicable – a delay resulting from a sporting event running overtime. However, Hennig, either singly or in combination with Jackson, fails to teach or suggest the feature of the present invention whereby recording will commence at a recording start time (ABZ) which is defined in the claim as being reached at a lead time interval (VZ) before the broadcast start time.

The Office Action (and admittedly, the prior submission of the Applicant) is directed to discussions of the rationale for the above features and how under various scenarios the claimed invention arguably would properly record a program scheduled with improper VPS time information when the Hennig/Jackson combination would not. For various reasons, Applicant does not concede the validity of the examiner’s arguments contained in the Office Action as to this issue. By way of example, Hennig requires the originally incorrect VPS codes be changed at some point prior to the broadcast and/or a constant monitoring be maintained. The problems associated with these approaches (that are overcome by the current invention) were discussed in the present invention’s specification:

It has proved to be a drawback of the known recording arrangement and the known recording method that, unfortunately, incorrect VPS codes in the program information from the television station are corrected only rarely, as a result of

which television broadcasts that are programmed with a broadcast identification, such as the VPS code, are often not recorded at all. Furthermore, the power consumption of the known video recorder is comparatively high as a result of the periodic scanning and testing of the program information. Therefore, a "low-power standby mode", which is greatly appreciated by users, cannot be realized with the known video recorder.

Continued discussions of what combination of events would yield different recording results for the present invention versus the Hennig/Jackson combination, while potentially interesting, are not relevant to the patentability of the present invention. That is, the rationales for the features being present in the claim language are of only secondary importance.

Of primary significance is that fact that neither Hennig nor Jackson, either singly or in combination, teaches the use of a recording start time defined as a lead time interval before the broadcast start time of the programmed information broadcast. Further, the combination of Hennig and Jackson fails to disclose the limitation of activating the recording mode as a condition of such a determined recorded start time, as recited in claim 1. Claim 12 contains similar features.

Having shown that the combined device resulting from the teachings of the cited references does not include all the elements of the present invention, applicant submits that the reasons for the examiner's rejections of the claims have been overcome and can no longer be sustained. Applicant respectfully requests reconsideration, withdrawal of the rejection and allowance of the claims.

In view of the foregoing discussion, the Office Action has failed to make out a *prima facie* case of obviousness, instant independent claims 1 and 12 are allowable, and the rejection should be withdrawn.

Claims 2-11 and 13 are dependent from one of the independent claims discussed above, and are believed allowable for at least the same reasons and any rejections thereof should be withdrawn.

For all the foregoing reasons, it is respectfully submitted that all the present claims are patentable in view of the cited references. A Notice of Allowance is respectfully requested.

Respectfully submitted,

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Date: February 23, 2008

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